



General Assembly

January Session, 2017

***Raised Bill No. 979***

LCO No. 4926



Referred to Committee on JUDICIARY

Introduced by:  
(JUD)

***AN ACT CONCERNING NOTIFICATION TO SCHOOLS AND  
INSTITUTIONS OF HIGHER EDUCATION OF RESTRAINING ORDERS,  
CIVIL PROTECTION ORDERS AND STANDING CRIMINAL  
PROTECTIVE ORDERS AFFECTING STUDENTS.***

Be it enacted by the Senate and House of Representatives in General  
Assembly convened:

1 Section 1. Subsection (h) of section 46b-15 of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective*  
3 *January 1, 2018*):

4 (h) (1) The applicant shall cause notice of the hearing pursuant to  
5 subsection (b) of this section and a copy of the application and the  
6 applicant's affidavit and of any ex parte order issued pursuant to  
7 subsection (b) of this section to be served on the respondent not less  
8 than three days before the hearing. The cost of such service shall be  
9 paid for by the Judicial Branch.

10 (2) When (A) an application indicates that a respondent holds a  
11 permit to carry a pistol or revolver, an eligibility certificate for a pistol  
12 or revolver, a long gun eligibility certificate or an ammunition  
13 certificate or possesses one or more firearms or ammunition, and (B)

14 the court has issued an ex parte order pursuant to this section, the  
15 proper officer responsible for executing service shall, whenever  
16 possible, provide in-hand service and, prior to serving such order,  
17 shall (i) provide notice to the law enforcement agency for the town in  
18 which the respondent will be served concerning when and where the  
19 service will take place, and (ii) send, or cause to be sent by facsimile or  
20 other means, a copy of the application, the applicant's affidavit, the ex  
21 parte order and the notice of hearing to such law enforcement agency,  
22 and (iii) request that a police officer from the law enforcement agency  
23 for the town in which the respondent will be served be present when  
24 service is executed by the proper officer. Upon receiving a request  
25 from a proper officer under the provisions of this subdivision, the law  
26 enforcement agency for the town in which the respondent will be  
27 served may designate a police officer to be present when service is  
28 executed by the proper officer.

29 (3) Upon the granting of an ex parte order, the clerk of the court  
30 shall provide two copies of the order to the applicant. Upon the  
31 granting of an order after notice and hearing, the clerk of the court  
32 shall provide two copies of the order to the applicant and a copy to the  
33 respondent. Every order of the court made in accordance with this  
34 section after notice and hearing shall be accompanied by a notification  
35 that is consistent with the full faith and credit provisions set forth in 18  
36 USC 2265(a), as amended from time to time. Immediately after making  
37 service on the respondent, the proper officer shall (A) send or cause to  
38 be sent, by facsimile or other means, a copy of the application, or the  
39 information contained in such application, stating the date and time  
40 the respondent was served, to the law enforcement agency or agencies  
41 for the town in which the applicant resides, the town in which the  
42 applicant is employed and the town in which the respondent resides,  
43 and (B) as soon as possible, but not later than two hours after the time  
44 that service is executed, input into the Judicial Branch's Internet-based  
45 service tracking system the date, time and method of service. If, prior  
46 to the date of the scheduled hearing, service has not been executed, the

47 proper officer shall input into such service tracking system that service  
48 was unsuccessful. The clerk of the court shall send, by facsimile or  
49 other means, a copy of any ex parte order and of any order after notice  
50 and hearing, or the information contained in any such order, to the law  
51 enforcement agency or agencies for the town in which the applicant  
52 resides, the town in which the applicant is employed and the town in  
53 which the respondent resides, within forty-eight hours of the issuance  
54 of such order. If the victim, or other person protected by such order, is  
55 enrolled in a public or private elementary or secondary school,  
56 including a technical high school, or an institution of higher education,  
57 as defined in section 10a-55, the clerk of the court shall, upon the  
58 request of the victim, send, by facsimile or other means, a copy of such  
59 ex parte order or of any order after notice and hearing, or the  
60 information contained in any such order, to such school or institution  
61 of higher education, the president of any institution of higher  
62 education at which the victim, or other person protected by such order,  
63 is enrolled and the special police force established pursuant to section  
64 10a-156b, if any, at the institution of higher education at which the  
65 victim, or other person protected by such order, is enrolled, if the  
66 victim provides the clerk with the name and location of such school or  
67 institution of higher education.

68 Sec. 2. Subsection (d) of section 46b-16a of the general statutes is  
69 repealed and the following is substituted in lieu thereof (*Effective*  
70 *January 1, 2018*):

71 (d) The applicant shall cause notice of the hearing pursuant to  
72 subsection (b) of this section and a copy of the application and the  
73 applicant's affidavit and of any ex parte order issued pursuant to  
74 subsection (b) of this section to be served by a proper officer on the  
75 respondent not less than five days before the hearing. The cost of such  
76 service shall be paid for by the Judicial Branch. Upon the granting of  
77 an ex parte order, the clerk of the court shall provide two copies of the  
78 order to the applicant. Upon the granting of an order after notice and  
79 hearing, the clerk of the court shall provide two copies of the order to

80 the applicant and a copy to the respondent. Every order of the court  
81 made in accordance with this section after notice and hearing shall be  
82 accompanied by a notification that is consistent with the full faith and  
83 credit provisions set forth in 18 USC 2265(a), as amended from time to  
84 time. Immediately after making service on the respondent, the proper  
85 officer shall (1) send or cause to be sent, by facsimile or other means, a  
86 copy of the application, or the information contained in such  
87 application, stating the date and time the respondent was served, to  
88 the law enforcement agency or agencies for the town in which the  
89 applicant resides, the town in which the applicant is employed and the  
90 town in which the respondent resides, and (2) as soon as possible, but  
91 not later than two hours after the time that service is executed, input  
92 into the Judicial Branch's Internet-based service tracking system the  
93 date, time and method of service. If, prior to the date of the scheduled  
94 hearing, service has not been executed, the proper officer shall input  
95 into such service tracking system that service was unsuccessful. The  
96 clerk of the court shall send, by facsimile or other means, a copy of any  
97 ex parte order and of any order after notice and hearing, or the  
98 information contained in any such order, to the law enforcement  
99 agency or agencies for the town in which the applicant resides, the  
100 town in which the applicant is employed and the town in which the  
101 respondent resides, not later than forty-eight hours after the issuance  
102 of such order, and immediately to the Commissioner of Emergency  
103 Services and Public Protection. If the applicant is enrolled in a public  
104 or private elementary or secondary school, including a technical high  
105 school, or an institution of higher education, as defined in section 10a-  
106 55, the clerk of the court shall, upon the request of the applicant, send,  
107 by facsimile or other means, a copy of such ex parte order or of any  
108 order after notice and hearing, or the information contained in any  
109 such order, to such school or institution of higher education, the  
110 president of any institution of higher education at which the applicant  
111 is enrolled and the special police force established pursuant to section  
112 10a-142, if any, at the institution of higher education at which the  
113 applicant is enrolled, if the applicant provides the clerk with the name

114 and location of such school or institution of higher education.

115       Sec. 3. Subsection (d) of section 46b-38c of the general statutes is  
116 repealed and the following is substituted in lieu thereof (*Effective*  
117 *January 1, 2018*):

118       (d) In all cases of family violence, a written or oral report that  
119 indicates whether the parties in the family violence case are parties to a  
120 case pending on the family relations docket of the Superior Court and  
121 includes recommendation of the local family violence intervention unit  
122 shall be available to a judge at the first court date appearance to be  
123 presented at any time during the court session on that date. A judge of  
124 the Superior Court may consider and impose the following conditions  
125 to protect the parties, including, but not limited to: (1) Issuance of a  
126 protective order pursuant to subsection (e) of this section; (2)  
127 prohibition against subjecting the victim to further violence; (3) referral  
128 to a family violence education program for persons who commit acts  
129 of family violence; and (4) immediate referral for more extensive case  
130 assessment. Such protective order shall be an order of the court, and  
131 the clerk of the court shall cause (A) a copy of such order to be sent to  
132 the victim, and (B) a copy of such order, or the information contained  
133 in such order, to be sent by facsimile or other means within forty-eight  
134 hours of its issuance to the law enforcement agency for the town in  
135 which the victim resides and, if the defendant resides in a town  
136 different from the town in which the victim resides, to the law  
137 enforcement agency for the town in which the defendant resides. If the  
138 victim is employed in a town different from the town in which the  
139 victim resides, the clerk of the court shall, upon the request of the  
140 victim, send, by facsimile or other means, a copy of such order, or the  
141 information contained in such order, to the law enforcement agency  
142 for the town in which the victim is employed not later than forty-eight  
143 hours after the issuance of such order. If the victim is enrolled in a  
144 public or private elementary or secondary school, including a technical  
145 high school, or an institution of higher education, as defined in section  
146 10a-55, the clerk of the court shall, upon the request of the victim, send,

147 by facsimile or other means, a copy of such order, or the information  
148 contained in such order, to such school or institution of higher  
149 education, the president of any institution of higher education at  
150 which the victim is enrolled and the special police force established  
151 pursuant to section 10a-156b, if any, at the institution of higher  
152 education at which the victim is enrolled, if the victim provides the  
153 clerk with the name and location of such school or institution of higher  
154 education.

155 Sec. 4. Subsection (b) of section 53a-40e of the general statutes is  
156 repealed and the following is substituted in lieu thereof (*Effective*  
157 *January 1, 2018*):

158 (b) Such standing criminal protective order may include, but need  
159 not be limited to, provisions enjoining the offender from (1) imposing  
160 any restraint upon the person or liberty of the victim; (2) threatening,  
161 harassing, assaulting, molesting, sexually assaulting or attacking the  
162 victim; or (3) entering the family dwelling or the dwelling of the  
163 victim. If the victim is enrolled in a public or private elementary or  
164 secondary school, including a technical high school, or an institution of  
165 higher education, as defined in section 10a-55, the clerk of the court  
166 shall, upon the request of the victim, send, by facsimile or other means,  
167 a copy of such standing criminal protective order, or the information  
168 contained in any such order, to such school or institution of higher  
169 education, the president of any institution of higher education at  
170 which the victim is enrolled and the special police force established  
171 pursuant to section 10a-142, if any, at the institution of higher  
172 education at which the victim is enrolled, if the victim provides the  
173 clerk with the name and location of such school or institution of higher  
174 education.

175 Sec. 5. Subsection (a) of section 54-1k of the general statutes is  
176 repealed and the following is substituted in lieu thereof (*Effective*  
177 *January 1, 2018*):

178 (a) Upon the arrest of a person for a violation of subdivision (1) or  
 179 (2) of subsection (a) of section 53-21, section 53a-70, 53a-70a, 53a-70c,  
 180 53a-71, 53a-72a, 53a-72b or 53a-73a, or any attempt thereof, or section  
 181 53a-181c, 53a-181d or 53a-181e, the court may issue a protective order  
 182 pursuant to this section. Upon the arrest of a person for a violation of  
 183 section 53a-182b or 53a-183, the court may issue a protective order  
 184 pursuant to this section if it finds that such violation caused the victim  
 185 to reasonably fear for his or her physical safety. Such order shall be an  
 186 order of the court, and the clerk of the court shall cause (1) a copy of  
 187 such order, or the information contained in such order, to be sent to  
 188 the victim, and (2) a copy of such order, or the information contained  
 189 in such order, to be sent by facsimile or other means not later than  
 190 forty-eight hours after its issuance to the law enforcement agency or  
 191 agencies for the town in which the victim resides, the town in which  
 192 the victim is employed and the town in which the defendant resides. If  
 193 the victim is enrolled in a public or private elementary or secondary  
 194 school, including a technical high school, or an institution of higher  
 195 education, as defined in section 10a-55, the clerk of the court shall,  
 196 upon the request of the victim, send, by facsimile or other means, a  
 197 copy of such order, or the information contained in such order, to such  
 198 school or institution of higher education, the president of any  
 199 institution of higher education at which the victim is enrolled and the  
 200 special police force established pursuant to section 10a-156b, if any, at  
 201 the institution of higher education at which the victim is enrolled, if  
 202 the victim provides the clerk with the name and location of such school  
 203 or institution of higher education.

204 Sec. 6. Section 54-82q of the general statutes is amended by adding  
 205 subsection (g) as follows (*Effective January 1, 2018*):

206 (NEW) (g) If the protected witness is enrolled in a public or private  
 207 elementary or secondary school, including a technical high school, or  
 208 an institution of higher education, as defined in section 10a-55, the  
 209 clerk of the court shall, upon the request of the protected witness, send,  
 210 by facsimile or other means, a copy of such temporary restraining

211 order, or the information contained in any such order, to such school  
212 or institution of higher education, the president of any institution of  
213 higher education at which the protected witness is enrolled and the  
214 special police force established pursuant to section 10a-142, if any, at  
215 the institution of higher education at which the protected witness is  
216 enrolled, if the protected witness provides the clerk with the name and  
217 location of such school or institution of higher education.

218 Sec. 7. Subsection (a) of section 54-82r of the general statutes is  
219 repealed and the following is substituted in lieu thereof (*Effective*  
220 *January 1, 2018*):

221 (a) Upon application of a prosecutorial official, a court may issue a  
222 protective order prohibiting the harassment of a witness in a criminal  
223 case if the court, after a hearing at which hearsay evidence shall be  
224 admissible, finds by a preponderance of the evidence that harassment  
225 of an identified witness in a criminal case exists or that such order is  
226 necessary to prevent and restrain the commission of a violation of  
227 section 53a-151 or 53a-151a. Any adverse party named in the complaint  
228 has the right to present evidence and cross-examine witnesses at such  
229 hearing. Such order shall be an order of the court, and the clerk of the  
230 court shall cause a certified copy of such order to be sent to the  
231 witness, and a copy of such order, or the information contained in such  
232 order, to be sent by facsimile or other means within forty-eight hours  
233 of its issuance to the appropriate law enforcement agency. If the  
234 protected witness is enrolled in a public or private elementary or  
235 secondary school, including a technical high school, or an institution of  
236 higher education, as defined in section 10a-55, the clerk of the court  
237 shall, upon the request of the protected witness, send, by facsimile or  
238 other means, a copy of such protective order, or the information  
239 contained in any such order, to such school or institution of higher  
240 education, the president of any institution of higher education at  
241 which the protected witness is enrolled and the special police force  
242 established pursuant to section 10a-142, if any, at the institution of  
243 higher education at which the protected witness is enrolled, if the



244 protected witness provides the clerk with the name and location of  
245 such school or institution of higher education.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>January 1, 2018</i>	46b-15(h)
Sec. 2	<i>January 1, 2018</i>	46b-16a(d)
Sec. 3	<i>January 1, 2018</i>	46b-38c(d)
Sec. 4	<i>January 1, 2018</i>	53a-40e(b)
Sec. 5	<i>January 1, 2018</i>	54-1k(a)
Sec. 6	<i>January 1, 2018</i>	54-82q
Sec. 7	<i>January 1, 2018</i>	54-82r(a)

***Statement of Purpose:***

To allow a person who is afforded protections under a restraining order, civil protection order or standing criminal protective order to request that the clerk of the court provide a copy of such order, or the information contained in such order, to a school or institution of higher education which he or she attends.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*